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June 27, 2007

CITY OF SAN JOSE
DEVELOPMENT SERVICES

SCVWD File: 29241
Fisher Creek

Mr. Darryl Boyd
Principal Planner
Department of Planning, Building, and Code Enforcement
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

Subject: Comments on the Draft Environmental Impact Report for Coyote Valley Specific Plan
(File No. GP06-02-04//SCH # 2005062017)

Dear Mr. Boyd,

Santa Clara Valley Water District (District) staff has reviewed the subject document received on April 6, 2007. The District appreciates the City of San José's (City's) willingness to extend the review period for the Draft Environmental Impact Report (DEIR) for Coyote Valley Specific Plan (CVSP) as the content is significant and complex. The District looks forward to working with the City and other stakeholders toward a shared vision of a sustainable and environmentally sensitive development of Coyote Valley that will protect or even contribute to the overall enhanced quality of life for Santa Clara County residents.

The following District comments are organized by CVSP DEIR section and then numbered in each section for ease of future reference. We have also provided a reference to the relevant policy of our Board of Director's (Board) that serves as the basis of our comment

SECTION 1.0 – INTRODUCTION, BACKGROUND, AND PROJECT OBJECTIVES

Section 1.5 – Uses of the EIR

Section 1.5.1 – Lead and Responsible CEQA Agencies

- 1) In accordance with Section 21069 of the California Environmental Quality Act (CEQA) and in keeping with the procedures described in State CEQA Guidelines, the District is a Responsible Agency with jurisdiction and discretionary approval over a portion of the regional water resource supply and flooding infrastructure. The District's responsibilities related to wholesale water supply, groundwater management, flood protection, and the protection of streams, riparian corridors, and natural resources in connection those responsibilities should clearly be reflected in Table 1.0 – 1.
- 2) Table 1.0 – 1 is incorrect when it states that the District's role is limited to issuing "[p]ermits for work within 50 feet of the creeks." Per Ordinance 06-01 (effective as of February 28, 2007), the District's permitting jurisdiction only applies to District fee title and easement right of way. However, the District's role is broader as stated above.

SECTION 2.0 – DESCRIPTION OF THE PROJECT

Board Policy E - 2.1 – “There is a reliable supply of healthy, clean drinking water.”

- 1) The description of the project should be revised to include a description of the proposed project's water supply. The DEIR is unclear on which water supply elements are included in the project and which ones are not. An adequate and accurate environmental analysis is not possible without a clear and complete description of the project. The water supply description should include a discussion of water demands and all the different water sources that may be used to meet or reduce those demands, including groundwater from the Coyote Subbasin, recycled water, aggressive conservation, groundwater from the Santa Clara Subbasin, and treated surface water. In addition, the description should include planned measures to avoid and/or minimize adverse impacts, including additional groundwater recharge to avoid groundwater overdraft and advanced recycled water treatment to protect groundwater quality. The impacts associated with the mitigation measures should also be evaluated as required under CEQA Guidelines Section 15126.4. Lastly, water supply facilities should be treated as other new facilities necessitated by the project and be included in the financing plan for the project.

Section 2.1 – Introduction and Overview

Section 2.1.6 – Project Phasing

Board Policy E – 2.2 – “There is reduced potential for flood damages.”

- 2) Development should be properly staged with the construction of flood protection so as to avoid causing induced flooding conditions. Since the build-out of Coyote Valley is projected to occur over a time span of 25 – 50 years there is a possibility that a series of individually operated and maintained flood management elements would result in induced flooding downstream. The DEIR does not identify the possibility of disjointed development as an impact associated with phasing development. The EIR should discuss and evaluate this potential impact and, if necessary, discuss mitigation measures that may be utilized as a result of the possible impacts.

Section 2.1.7.2 – Bicycle and Trail System

Board Policy E - 3.3 – “There are additional trails parks and open space along creeks in the watershed when reasonable and appropriate.”

- 3) Per Figure 2.0 – 4, the CVSP trail plan has identified an equestrian path along the west and northern perimeter of the detention basin (pond one) where a future District maintenance road will be located. While discussing the development of a proposed wetland mitigation project that will be located within the flood protection detention basins with state and federal regulatory agencies (DF&G, RWQCB, and Army Corps of Engineers), they identified an issue concerning the movement of wildlife and animals across the proposed maintenance road and trail. Please note that if the regulatory agencies restrict public use of the proposed

road and trail as a permit condition, recreational access over the roadway would be restricted.

Section 2.1.8 – Public Services

Board Policy E - 3.1.1 – “Mitigations are implemented to protect watersheds, streams, and the natural resources therein.”

- 4) The DEIR states that “[p]layfields with some lighting are proposed for the detention basin (Laguna Seca area) in the northern portion of the CVSP Development Area on both sides of Santa Teresa Boulevard.” As we had informed you at the Coyote Watershed Integration Working Group meeting on July 16, 2006, and again when we met on September 21, 2006, this proposed land use is not acceptable to the District and should not have been shown in the DEIR as we requested. The District has mitigation obligations for our Stream Maintenance Program and under a land transfer agreement (Agreement), signed by the City, Coyote Valley Research Park (CVRP), and District in February 2001, it was agreed that the District will assume ownership of the subject parcel after the flood control facilities are completed with the anticipation of constructing a wetland within the detention basin (ponds 1 and 2). The appropriateness and importance of using this site for wetland creation was reinforced by the 2006 Coyote Creek Watershed Historical Ecology Report prepared by the San Francisco Estuary Institute (<http://www.sfei.org/HEP/reports/coyotecreek1.htm>). As such, there is no available area for the proposed recreation facilities within the detention basin. The proposed land use in the CVSP Project DEIR should be changed to reflect the District’s intended use of the basin.

Section 2.1.9 – Flood Control and Storm Drainage Facilities

Board Policy E - 2.2 – “There is a reduced potential for flood damages.”

- 5) The DEIR states that “some portions of these flood control facilities may be maintained by the Santa Clara Valley Water District.” The District may consider ownership of the completed improvements as long as adequate financing measures are in place for the operation and maintenance of the improvements. Any mitigation and monitoring obligations for the CVSP Project impacts installed by other parties within the limits of the flood protection measures will remain the obligation of the responsible party.
- 6) The City is suggesting that the described flood control system would be maintained by the CVSP financing program or special district. Any proposed financing district that may be required for the operation and maintenance of flood protection improvements should include all of Coyote Valley (north, middle, and south). Operations and maintenance funding for the flood control improvements that were approved by the City in 2000 as part of the CVRP project have never been identified. The operations and maintenance of the flood protection improvements in North Coyote Valley should receive the same consideration for funding as those identified for the CVSP. The District has limited revenues for the maintenance of the flood protection measures which have to be allocated annually among an extensive inventory of facilities throughout the county.

- 7) As identified in the DEIR, the approved flood protection improvements for Coyote Valley north of Bailey Avenue consist of the existing Fisher Creek, a high flow bypass channel, a containment dam, hydraulic control structures, off-stream storage, and outlet works. It should be noted that flood protection measures for the remaining lands in the North Coyote Campus Industrial Area located south of Bailey Avenue were not previously defined under the Agreement. In order to avoid cumulative impacts, the flood protection improvements associated with the CVRP must not be used to mitigate for any development in the remainder of Coyote Valley. The existing 10-year and 100-year flood flow rates at Bailey Avenue (1340 and 2640 cfs respectively, per Table 1 – 1, Appendix J) must be maintained to insure that cumulative flooding impacts associated with the CVSP do not occur. These existing conditions are requirements which will affect the size and operation of the hydraulic control structures, on-stream and off-stream storage of peak flood flows, and channels for the entire CVSP Project.

Section 2.1.9.1 – Fisher Creek

Board Policy E – 3.0 – “There is an enhanced quality of life in Santa Clara County through the protection and enhancement of watersheds, streams, and the natural resources therein.”

- 8) Improvements to Fisher Creek should be in accordance with the *Guidelines and Standards for Land Use near Streams*, a document developed by the Santa Clara Valley Watershed Resources Protection Collaborative (Collaborative), of which the City of San Jose is a member.

Section 2.1.9.3 – Lake

Board Policy E – 3.0 – “There is an enhanced quality of life in Santa Clara County through the protection and enhancement of watersheds, streams, and the natural resources therein.”

- 9) The document states that the lake serves as a water quality improvement component of the development by trapping and settling of pollutants in a lined basin; yet, releases are proposed to Fisher Creek from storm and flood events. The EIR should describe how the pollutants will be retained in the basin during these flood releases.

Section 2.1.9.5 – Storm Drain System

Board Policy E - 2.2 – “There is a reduced potential for flood damages.”

- 10) The number of outfalls to Fisher Creek should be minimized and properly planned and constructed in accordance with the *Guidelines and Standards for Land Use near Streams*. Comment number (2) of Section 2.1.6 is also pertinent here as the need for larger downstream storm drain facilities is foreseen.

SECTION 3.0 – CONSISTENCY WITH ADOPTED PLANS

Section 3.1 – San Jose General Plan

Section 3.1.3.7 – Urban Service Area

Board Policy E - 2.1.3 – “The water supply is reliable to meet future demands in Santa Clara County, consistent with the County’s and cities’ General Plans and other appropriate regional and statewide projections.”

- 1) Urban Service Area Policy #2 states that the urban service area “should be expanded only when it can be demonstrated that existing facilities and services are available and adequate to serve the proposed expansion area....” In order to maintain consistency with this policy statement, the project needs to clearly state the included the water supply facilities, as discussed in comment number (1) of Section 2.0, and flood protection capital needs, as discussed in in comment number (6) of Section 2.1.9.

Section 3.1.3.11 – Level of Service Policies

Board Policy E - 2.1.3 – “The water supply is reliable to meet future demands in Santa Clara County, consistent with the County’s and cities’ General Plans and other appropriate regional and statewide projections.”

- 2) Level of Service Policies #2 and #3 state that “[c]apital and facility needs generated by new development should be financed by new development,” and “[t]he urban service area should not be expanded without taking into consideration the funding necessary to adequately provided for long term....” In order to maintain consistency with this policy statement, the project needs to clearly include the water supply facilities, as discussed in comment number (1) of Section 2.0, and flood protection capital needs, as discussed in comment number (6) of Section 2.1.9.

Section 3.1.3.8 – Urban Design Policies

Board Policy E - 2.1.8 – “Water conservation is implemented to the maximum extent that is practical.”

- 3) Urban Design Policy #2 states that “[p]rivate development *should* include adequate landscaped areas. Landscaped areas *should* utilize water efficient plant materials and irrigation systems. Energy conservation techniques such as vegetative cooling and wind shielding *should* also be utilized. All landscaped areas *should* include provisions for ongoing landscape maintenance.” The consistency evaluation states that specific projects will be required to provide landscape design elements that maximize energy conservation benefit; however, no discussion is provided with regard to water efficient plant materials and irrigation systems. In order to be consistent with City policy and to mitigate for increased water demands, the DEIR should be clear that specific projects will be required to utilize water efficient plant materials and irrigation equipment.

Section 3.1.3.18 – Riparian Corridors and Upland Wetlands Policies

Board Policy E - 3 – “There is an enhanced quality of life in the Santa Clara County through the protection and enhancement of watersheds, streams, and the natural resources therein.”

- 4) Riparian Corridor and Upland Wetlands Policy #2 states that “[n]ew public and private development adjacent to riparian corridors should be consistent with the provisions of the Riparian Corridor Policy Study.” The City is a member of the Santa Clara Valley Water Resources Protection Collaborative, an effort that has developed a set of model *Guidelines and Standards for Land Use near Streams*. A discussion of consistency with the guidelines and standards is warranted here and should be included. As mentioned in the District’s response to the Notice of Preparation (NOP) the City’s riparian corridor guidelines found in the Riparian Corridor Policy Study, may not adequately mitigate for degraded riparian habitat. We recommend that you include a copy of the Riparian Corridor Study in the appendices.

Section 3.1.3.21 – Water Resource Policies

Board Policy E – 2.1 – “There is a reliable supply of healthy, clean drinking water.”

- 5) Water Resources Policy #2 states that “[w]ater resources should be utilized in a manner which does not deplete the supply of surface or groundwater, and efforts to conserve and reclaim water supplies, both local and imported should be encouraged.” The consistency statement evaluation states that efforts to conserve and reclaim water supplies will be evaluated at the project level; however, it is unclear what water conservation measures will be required. The DEIR should include a specific statement that reclamation and aggressive conservation shall be required for all development in the Coyote Valley through the zoning code, design guidelines, development agreements, and permit conditions to mitigate for increased water demands and provide consistency with City policy.

Section 3.1.3.30 – Hazardous Materials Policies

Board Policy E - 2.1.6 – “The groundwater basins are aggressively protected from contamination and the threat of contamination.”

Board Policy E - 3 – “There is an enhanced quality of life in Santa Clara County through the protection and enhancement of watersheds, streams, and the natural resources therein.”

- 6) Hazardous Materials Policy #3 should state that the developer will be required to notify and work with the appropriate regulatory agency(s) if contamination is found.
- 7) The DEIR should evaluate the consistency of the proposed project with the San Francisco Bay Regional Water Quality Control Board’s Water Quality Control Plan (Basin Plan). The Basin Plan is the Regional Water Quality Control Board’s master water quality control planning document. It designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater, and includes plans and policies related to protecting and maintaining water resources. Evaluating the consistency of the proposed

project with the Basin Plan will help ensure that the connection between land use planning and water resource protection is recognized and adequately addressed.

SECTION 4.0 – ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION

Section 4.4 - Air Quality

Section 4.4.4.1 – Mitigation for Short Term Construction Impacts

Board Policy E - 3 – “There is an enhanced quality of life in Santa Clara County through the protection and enhancement of watersheds, streams, and the natural resources therein.”

- 1) MM AQ - 1.4: Please address concerns regarding dust and excess water disposal resulting from the use of water sweepers. These materials may contain hazardous substances that could impact water quality and the environment.

Section 4.6 - Biological Resources

Section 4.6.2.1 – Biological Habitats

Board Policy E - 3 – “There is an enhanced quality of life in Santa Clara County through the protection and enhancement of watersheds, streams, and the natural resources therein.”

- 2) Serpentine Seeps and California Sycamore Alluvial Woodland are known to exist within the project area. Both habitat types are identified by the Department of Fish and Game (DFG) as sensitive natural communities and are included as natural communities in the draft Santa Clara Valley Habitat Conservation Plan (SCVHCP). Please identify these communities in the text and appropriate tables.
- 3) Figure 4.6-1 indicates that serpentine grassland exists within the CVSP area. Please revise Table 4.6-3 by listing the species found in this habitat that would thus have the potential to occur. Also, this table should be consistent with the species listed in the draft SCVHCP

Section 4.6.2.2 – Special Status Plants and Animals

Board Policy E - 3 – “There is an enhanced quality of life in Santa Clara County through the protection and enhancement of watersheds, streams, and the natural resources therein.”

- 4) Although the DEIR correctly identifies the Mt. Hamilton thistle (*Cirsium fontinale* var. *campylon*) as occurring in the project area; it also occurs along Coyote Canal east of Hwy 101 in the vicinity of Coyote Creek Golf Course. The document does not mention the smooth lessingia (*Lessingia micradenia* var. *glabrata*) and most beautiful jewelflower (*Streptanthus albidus* spp. *peramoenus*), which are also known to occur within the CVSP area along the Coyote Canal east and west of Hwy 101 in the vicinity of the Coyote Creek Golf Course. Please refer to the California Natural Diversity Database (2007) for further information. These occurrences of special status plant species should be added to the text as well as

Table 4.6-3. Please note, these species are considered sensitive species in the draft SCVHCP.

- 5) Several other special status plant species occur just outside the CVSP boundary. Due to the close proximity to the site these species should be considered as having a high potential to occur within the CVSP area. These plants include the Santa Clara Valley dudleya (*Dudleya setchellii*), Metcalf canyon jewelflower (*Streptanthus albidus* spp. *Albidus*), fragrant fritillary (*Fritillaria liliaceae*), and Hall's bush mallow (*Malacothamnus hallii*). Please add these special status plant species to Table 4.6-3.
- 6) District staff disagrees with the assessment that "suitable habitat for the Bay checkerspot butterfly does not exist within the critical habitat areas [as designated by the United States Fish and Wildlife Service (USFWS)] of the CVSP...." Figure 4.6-3 clearly shows three sightings of Bay checkerspot butterflies adjacent to the CVSP area to both the northwest and the west. While the area may not support the plants utilized by the butterflies during the early stages of development, it is likely that nearby existing populations of Bay checkerspot butterflies use portions of the CVSP area as a nectar source as adults. Therefore, District staff agrees with the USFWS critical habitat designation and believes that Table 4.6-3 should show a "High Potential" for this species to occur within the CVSP area.

Section 4.6.2.4 – Existing Wildlife Corridors

Board Policy E - 3 – "There is an enhanced quality of life in Santa Clara County through the protection and enhancement of watersheds, streams, and the natural resources therein."

- 7) District staff disagrees with the assessment that the CVSP area is not a significant North-South wildlife corridor. Coyote Creek, Coyote Canal, Coyote Extension Canal, and the Coyote Creek Parkway Trail system all provide relatively easy and open corridors for wildlife movement in the North-South direction.
- 8) The Coyote Canal provides another East-West corridor for wildlife where it traverses under Highway 101 in the following two locations: 1) the greenbelt area near the Ogier ponds, and 2) near Sycamore Avenue and the golf course. Please add these two locations to the discussion in this section and to the respective map.

Section 4.6.3.2 - Impacts to Riparian Communities

Board Policy E - 3 – "There is an enhanced quality of life in Santa Clara County through the protection and enhancement of watersheds, streams, and the natural resources therein."

- 9) Please note that the County of Santa Clara has established a riparian setback policy that differs from the City's policy of 100 feet. The District suggests that an adequate setback distance should be scientifically determined by a biologist and fluvial geomorphologist.
- 10) Section 4.11.2.3 indicates that the proposed lake feature may be used as a storage facility for recycled water. It is not clear if the recycled water would be advanced treated; however, the possible impacts to the Fisher Creek riparian community (from both recycled water and

advanced treated recycled water) should be discussed here. If impacts to special status species are also a concern, the concerns should be discussed in Section 4.6.3.3 and Section 4.6.3.4.

Section 4.6.3.3 – Impacts to Special Status Plant Species

Board Policy E - 3 – “There is an enhanced quality of life in Santa Clara County through the protection and enhancement of watersheds, streams, and the natural resources therein.”

- 11) Impact BIO-7: Mt Hamilton thistle is known to occur along Coyote Canal north and south of the Coyote Creek Golf Course, and in the Golf Course itself. The potential impact assessment should be revised to reflect these additional areas.
- 12) Per Section 4.6.2.2 comments 4 and 5, several additional species of plants should be added to this impact analysis and accounted for with regard to mitigation needs and ratios.

Section 4.6.3.4 – Impacts to Special Status Animal Species

Board Policy E - 3 – “There is an enhanced quality of life in Santa Clara County through the protection and enhancement of watersheds, streams, and the natural resources therein.”

- 13) The District’s response to the NOP clearly indicates that impacts from groundwater pumping on the surface water ecology of Coyote and Fisher Creeks is likely to occur. Groundwater and surface water systems are intimately connected at the nexus of stream corridors. The lowering of the groundwater table may result in water temperatures increases as well as other impacts. Effects of groundwater pumping with respect to stream flow conditions and the impacts on steelhead should be assessed.
- 14) Any intake or outlet structures connected directly to Coyote Creek should have fish screens to avoid steelhead from getting trapped in the new facility. Please discuss these impacts here.
- 15) Impact BIO-10: Impact statement for California red-legged frogs and Foothill yellow-legged frogs should also include potentially significant effects due to the introduction of non-native predators.
- 16) Impact BIO-11: Impact statement should also include possible loss of breeding habitat from fill activities.
- 17) Impact BIO-13: District staff disagrees with this assessment and notes that there is suitable habitat for the Bay checkerspot within the CVSP area (see Section 4.6.2.2 comment 6).

Section 4.6.3.6 – Impacts to Wildlife Movement

Board Policy E - 3 – “There is an enhanced quality of life in Santa Clara County through the protection and enhancement of watersheds, streams, and the natural resources therein.”

- 18) Impact BIO-26: District staff agrees that the project will result in significant impacts to wildlife movement corridors. The text states that the existing corridor in the Tulare Hill area would not be developed; however, the only potential connection from Tulare Hill to the Mt. Hamilton Range is shown in Figure 4.6-1 as a portion of the proposed Development Area. To ensure that the Tulare Hill corridor is not impacted, District staff recommends that the narrow projection of the Development Area along Monterey Road in the vicinity of Tulare Hill be reclassified as Greenbelt. It should be noted that the draft SCVHCP has identified this location for preservation and potential enhancement for wildlife movement.

Section 4.6.4.1 – Mitigation for Impacts to Biological Habitats

Board Policy E - 3.1 – “Mitigations are implemented to protect watersheds, streams, and the natural resources therein.”

- 19) MM Bio-6.1: The document should provide some alternative locations for an off-site preserve. Success criteria and remedial measures should be defined and the mitigation ratio should be adequately high to fully mitigate for impacts. Also, acorns are preferable to seedlings or larger size individuals as root development of oaks in containers is often quite poor.
- 20) MM-Bio 6.2: The document should provide some alternative locations for an off-site preserve. The areas identified should have similar species composition, cover and other characteristics as a serpentine grassland habitat. Although it is noted that the mitigation measure calls for the preparation of a Preserve Management Plan in which management of the proposed preserve will be discussed, success criteria and remedial measures should be identified here.

Section 4.6.4.2 – Mitigation for Impacts to Special Status Plant Species

Board Policy E - 3.1 – “Mitigations are implemented to protect watersheds, streams, and the natural resources therein.”

- 21) MM-Bio 8.1: Please expand on the details of the preserve such as what species it will target or what vegetation it will be comprised of. This mitigation measure as currently written does not address impacts to special status plant species, as it does not outline success criteria, remedial measures, and details of how special status species will be monitored.
- 22) MM BIO-8.2: Please list the transplantation success criteria and the remedial measures that will be taken if the success criteria are not met. This provision should include surveys for the species discussed in Section 4.6.2.2 comments 4 and 5.

Section 4.6.4.3 – Mitigation for Impacts to Special Status Animal Species

Board Policy E - 3.1 – “Mitigations are implemented to protect watersheds, streams, and the natural resources therein.”

- 23) MM BIO-9.1: Per Section 4.6.3.4 comments 13 and 14, several other impacts should be accounted for and mitigated with respect to Central California Coastal Steelhead.
- 24) MM-BIO 17.1: District staff maintains that a nesting bird survey 30 days prior to disturbance conducted during breeding season is not sufficient to protect nesting migratory birds. District staff recommends that the 30 day requirement be changed to a maximum of 14 days prior to the onset of ground disturbance or vegetation removal.
- 25) MM-Bio 27.1: See Section 4.6.4.1 comment 20.
- 26) MM-Bio 32.1: In portions of the plan area that have not been previously surveyed, such as the Bailey Over the Hill area, surveys should be conducted in appropriate habitat for all species with potential to occur in that habitat. Transplantation success criteria and the remedial measures should be clearly stated.

Section 4.8 – Hydrology and Water Quality

Board Policy E – 2.1 – “There is a reliable supply of healthy, clean drinking water.”

- 27) In general, the analysis in this section related to groundwater quantity and groundwater quality should be reframed. As it is, the DEIR relies on future unplanned (not included in a Capital Improvement Plan) and unbudgeted District actions to conclude that the project will have less than significant impacts on groundwater. This is not the case; the project will have significant impacts on the groundwater subbasin that necessitate mitigation measures to minimize those impacts. For example, see Section 4.8.3.4 comment 36.

Section 4.8.2.3 – Flooding Conditions

Board Policy E - 2.2 – “There is a reduced potential for flood damages.”

- 28) Criteria identified in the DEIR indicate that the preferred drainage and flood control system is to maintain the existing flood flow rate of 1850 cubic feet per second (cfs) from Fisher Creek at its confluence with Coyote Creek. Table 4.8 – 1 identifies a flow rate of 1830 cfs at the Coyote Creek confluence and Table 1 – 1 in Appendix J identifies a flow rate of 1520 cfs at Monterey Road. The identified flow rates are inconsistent and should be corrected. It is the District’s understanding that the governing condition for Fisher Creek at the confluence with Coyote Creek is 1509 cfs which was identified in the Coyote Valley Research Project (CVRP) Conditional Letter of Map Revision submitted to FEMA in 2000.
- 29) Table 1 -1 of Appendix J, indicates that the existing condition discharges on Fisher Creek for the 10-year and 100-year flow rate at Bailey Ave. and Monterey Road/SPRR are lower than the post development flow rates as shown in Table 2-5 of appendix J. This increase in flow rate in Fisher Creek is not consistent with the “background condition” for the flood protection measures referenced in the DEIR text on page 35 and induced flooding may result.

- 30) The values in Table I.3-1 of Appendix I.3 of the Hydrology and Water Quality Report (Appendix J), show a different Post-CVSP Condition flow rate than Table 2-5 of Appendix J. Please explain this discrepancy. The design flows for the CVSP must not exceed the existing base flows at Bailey Avenue since more water will be routed into to the detention basins. This represents a Cumulative Impact on the approved CVRP flood protection improvements and is not acceptable to the District.
- 31) Any changes in storm drain sizing will trigger a new analysis, since the post-development flow rate may change.
- 32) According to the CVSP project meeting minutes of June 23, 2005, prepared by HMM,

“Klemencic indicated that the SCVWD methodology is the most conservative and it would be preferable to utilize this methodology for the ultimate design. The physical design cannot track both the FIS and the new methodology. For Ultimate Design, the SCVWD Hydrology Methodology will be compared and discussed. At that time, the appropriate methodology will be utilized. The official results and analysis will be based on the NFIP criteria.”

To date, the District has not received the above referenced analysis.

Section 4.8.2.4 - Coyote Valley Subbasin/Drainage Patterns

Board Policy E - 2.2 – “There is a reduced potential for flood damages.”

33) The DEIR notes that ponding in Laguna Seca area is common during the rainy season. It should be noted that this ponding can extend beyond the rainy season, and may even occur in dry years. Ponded water was present at this location at the end of April 2007, following a rainy season in which the area received barely half of the normal rainfall amount.

Section 4.8.3.4 - Impacts to Groundwater Resources

Board Policy E - 2.1.5 – “Groundwater resources are sustained and protected for water supply reliability and to minimize land subsidence.”

34) The section should be revised to explain that groundwater extraction without recharge can lead to declining groundwater levels and overdraft in the Coyote Valley, rather than land subsidence. The danger of subsidence lies in the Santa Clara Subbasin, if the development results in decreasing the amount of groundwater entering it from the Coyote Subbasin or if groundwater is pumped from the Santa Clara Subbasin for use in the Coyote Subbasin. The impact of extraction in the Coyote Subbasin is overdraft and inability of the subbasin to meet the projects water supply needs.

Board Policy E - 2.1.6 – “The groundwater basins are aggressively protected from contamination and the threat of contamination.”

- 35) The DEIR incorrectly states that the District “has determined that all water used for groundwater recharge in the CVSP must be advanced treated recycled water.” All water used for groundwater recharge in Coyote Valley needs to be sufficiently clean to avoid adverse groundwater quality impacts. The recharge water could include local and imported surface water and/or advanced treated recycled water. Advanced treatment of recycled water is necessary to avoid adverse groundwater quality impacts.

Board Policy E - 2.1 – “Groundwater resources are sustained and protected for water supply reliability and to minimize land subsidence”

- 36) The discussion regarding the need for additional recharge in Coyote Valley should be revised. At present, it states that the District “will require that groundwater recharge occur within the valley...” This statement infers that the additional water supplies are necessitated by a District requirement. The discussion should be restated so that it is clear that the CVSP development will necessitate additional water supply in Coyote Valley in order to avoid depleting groundwater resources. In other words, additional recharge and/or other water supplies are needed to avoid adverse significant impacts to groundwater resources rather than to meet a District requirement.
- 37) The DEIR should provide a detailed discussion of the water demand and all available water supply sources. The sources as described in the WSE are incomplete. The alternative water supplies need to be identified, and the impacts of each alternative need to be identified. Each of the alternatives will have their own set of potential impacts, both in and out of the project area. For example, additional pumping in the Santa Clara Subbasin may result in overdraft or subsidence.
- 38) Impact H/WQ-4: The District disagrees with the impact assessment of Less than Significant Impact. The groundwater basin cannot support the increased demand which would result from this project without mitigation. Thus, the project has a significant impact to groundwater resources. This impact can be mitigated by additional recharge and/or other water supplies identified in the DEIR, WSE, and CVSP. Provision of the additional water supplies should be considered part of the project. Further, as noted above, it is the project that necessitates additional water supplies and not the District.

Section 4.8.3.5 - Water Quality Impacts during Construction

Board Policy E – 2.1.6 – “The groundwater basins are aggressively protected from contamination and the threat of contamination.”

- 39) The discussion should be expanded to include and address the potential for groundwater contamination resulting from spills, leaks, and other potential releases from the construction equipment or activities.

Section 4.8.3.6 - Long-Term Water Quality Impacts from Development

Board Policy E – 2.1.6 – “The groundwater basins are aggressively protected from contamination and the threat of contamination.”

- 40) This section is solely focused on storm water impacts, but does not mention the threat to groundwater quality posed by the development. There will be hazardous materials used and hazardous wastes generated by businesses and industry, some of which will likely pose a threat to the groundwater subbasin. Other potential impacts to groundwater quality from development include illegal dumping, leaks, spills, and infiltration of contaminated storm water runoff. The DEIR should include an evaluation of the long term impacts on groundwater quality from development.
- 41) The section should be expanded to discuss potential groundwater quality impacts associated with increased groundwater recharge and increased groundwater extraction. Increase groundwater recharge and extraction can change groundwater flow patterns and potentially redistribute existing contamination, including nitrate contamination. Increased recharge with low nitrate water and increased pumping could result in lower nitrate levels in the long-term as nitrate is flushed through system, especially if agricultural and septic system inputs are reduced through changes in land use.
- 42) This section should also include a discussion of water quality impacts from recycled water. Recycled water has higher concentrations of many constituents than groundwater. For example, Total Dissolved Solids (TDS) concentrations in recycled water are higher than in groundwater and recycled water from South Bay Water Recycling contains nitrate concentrations approaching the drinking water standard. The use of recycled water would result in long-term degradation of the quality of groundwater resources. Advanced recycled water treatment is a mitigation measure for this impact and should be financed accordingly.
- 43) This section should list separate impact statements for each comment numbered 40, 41, and 42, above.

Section 4.8.3.7 - Water Quality Impacts to Future Development

Board Policy E – 2.1.6 – “The groundwater basins are aggressively protected from contamination and the threat of contamination.”

- 44) The proposed increases in groundwater recharge and production can affect the movement of contaminants, including nitrate and hazardous materials from prior land uses, within the Coyote Valley. This impact should be listed in addition to the potential for inducing perchlorate movement from the Llagas Groundwater Subbasin.
- 45) Similar to Section 4.8.3.4 comment 36, the discussion regarding the need for additional recharge or other water supplies should be framed as a requirement of the project and not of the District.

Section 4.8.3.8 – Impacts from Stream Erosion

Board Policy E – 3.0 – “There is an enhanced quality of life in Santa Clara County through the protection and enhancement of watersheds, streams, and the natural resources therein.”

- 46) The District's response to the NOP clearly outlined the obligations the District has with respect to the operation of Anderson Reservoir. While, operating procedures depend on court proceedings and negotiation with regulatory agencies, and do periodically change, the DEIR should evaluate possible impacts to Coyote Creek from stream erosion according to the current operation of Anderson Dam, before an impact assessment can be made. Please reframe the discussion in the section of the DEIR.

Section 4.8.4 Mitigation and Avoidance Measures for Hydrology and Water Quality Impacts

Board Policy E-2.1.5 – "Groundwater resources are sustained and protected for water supply reliability and to minimize land subsidence."

- 47) The DEIR should include mitigation and avoidance measures for impacts to groundwater resources as stated in comments 36, 37, and 38 for Section 4.8.3.4. The measures should include all potential water supplies that will mitigate increased demands on groundwater associated with the CVSP.

Board Policy E-2.1.6 – "The groundwater basins are protected from contamination and the threat of contamination."

- 48) The DEIR should include mitigation and avoidance measures for water quality impacts to future development, as stated in comments 44 and 45 for Section 4.8.3.7.

Section 4.8.4.1 – Construction Phase Mitigation Measures

Board Policy E-2.1.6 – "The groundwater basins are protected from contamination and the threat of contamination."

- 49) This section should include mitigation measures to protect groundwater quality during construction.

Section 4.8.4.2 – Long-term Water Quality Mitigation Measures

Board Policy E-2.1.6 – "The groundwater basins are protected from contamination and the threat of contamination."

- 50) This section needs to be updated to respond to comments numbered 40, 41, and 42 for Section 4.8.3.6. Separate mitigation measures should be listed for each. Suggested mitigation measures include additional water supply to mitigate groundwater impacts from increased water demands, advanced recycled water treatment to avoid groundwater quality degradation, and siting recharge facilities and water production wells to avoid contamination and the movement of contamination.

- 51) MM H/WQ-6.1: The District does not support the use of extended detention basins as a mitigation measure due to shallow groundwater conditions and the need to protect groundwater quality.

Section 4.8.5 - Conclusions regarding Hydrology and Water Quality Impacts

Board Policy E-2.1.5 – “Groundwater resources are sustained and protected for water supply reliability and to minimize land subsidence.”

Board Policy E-2.1.6 – “The groundwater basins are protected from contamination and the threat of contamination.”

- 52) Impact H/WQ-4: Please revise based on comment numbers (36), (37), and (38) of Section 4.8.3.4 regarding impacts to groundwater resources. Specifically, the project would impact groundwater resources by lowering groundwater levels. The need for additional recharge should not be listed as a requirement of the District. Additional recharge and/or other water supplies are necessitated by the project to mitigate the significant impact.
- 53) Impact H/WQ-6: Please revise based on comments numbered (40), (41), and (42) of Section 4.8.3.6. Additional mitigation measures to address impacts on groundwater quality from development, including the use of recycled water should be listed here. The conclusion that there are less than significant impacts with mitigation incorporated should be reviewed in the context of groundwater quality and revised, if necessary.
- 54) Impact H/WQ-7: Please revise to address all contaminants, not just perchlorate. Recharge as a means avoiding perchlorate intrusion should be considered as a mitigation measure. Other mitigation measures for avoiding contaminating and the movement of contamination should also be referenced.

Section 4.9 - Hazards and Hazardous Materials

Section 4.9.2 – Existing Conditions

Board Policy E - 2.1.5 – “Groundwater resources are sustained and protected for water supply reliability and to minimize land subsidence.”

Board Policy E - 2.1.6 – “The groundwater basins are aggressively protected from contamination and the threat of contamination.”

- 55) Please revise Table 4.9 – 1 to reflect the District’s role with respect to groundwater protection. The District monitors investigation and remedial activities at contaminated sites, but does not have the regulatory authority to oversee remediation of contaminated sites.
- 56) Table 4.9 – 2 lists multiple sites containing fuel storage. These sites should be sampled as it relates to groundwater impact and threat to proposed municipal production wells. Municipal wells are to be sited so as not to be impacted or threatened by plume migration by a production wells pumping zone of influence. Siting of recharge ponds should also take into account the locations of these facilities.

Section 4.9.3.5 - Hazardous Material Impacts within the Development Area after Construction

Board Policy E - 2.1.6 – “The groundwater basins are aggressively protected from contamination and the threat of contamination.”

- 57) This section discusses the potential impacts and compatibility between residential, school, and industrial land uses. The analysis should be expanded to include a discussion of the compatibility between potential land use and the protection of water resources. If necessary, the conclusion that there is a less than significant impact should be re-evaluated.

Section 4.9.4.1 - Construction Phase Mitigation Measures

Board Policy E - 2.1.6 – “The groundwater basins are aggressively protected from contamination and the threat of contamination”

- 58) Per Section 4.9.3.5 comment 57, mitigation measures should include the proper siting of facilities that pose significant risks to groundwater, including but not limited to facilities that handle hazardous materials, gasoline stations, dry cleaners, and hazardous waste generators, outside the influence of the groundwater subbasin, outside the well-head protection zones around existing and future groundwater production wells; prohibiting below grade storage of chemicals for manufacturing, sale, or commercial purposes; and requiring below grade storage facilities to be installed in vaults such that they can be visually inspected and repaired as necessary.
- 59) MM HAZ 5.1 and MM HAZ 5.6: The evaluations in this DEIR rely heavily on project specific reviews and broad generalizations of the codes and policies that will be met. Reliance on existing laws, regulations, and codes should be considered the minimum requirements. The shallow groundwater and permeable sediments in the Coyote Subbasin make it highly sensitive to potential contaminants. The District does not consider the minimum requirements sufficient. While project specific reviews will be necessary, the EIR should set specific, minimum criteria that shall be used and specify requirements for these evaluations, including a minimum list of alternatives that will be considered. Water resource protection measures, including those that address groundwater protection, should incorporate zoning policies, design guidelines, development agreements, and development permits.
- 60) MM HAZ 5.2: The siting of facilities that use or store toxic or flammable substances should also take into account the location of municipal supply wells so as not to impact or threatened them should a release occur. These locations should also take into account the siting of recharge ponds.

Section 4.11 - Utilities and Service Systems

Board Policy E - 2.1 – “There is a reliable supply of healthy, clean drinking water.”

- 61) In general, the City’s Water Supply Evaluation (WSE), included as Appendix M and summarized in the DEIR text, recommends a water supply master plan for Coyote Valley through build-out. The master plan includes the use of recycled water, additional

groundwater production and recharge, and, possibly, treated surface water or groundwater from the Santa Clara Subbasin and/or aggressive water conservation to reduce demands; however, the sources as described in the WSE are incomplete. Other mitigation measures for the impacts to water supply include additional water transfers from other water purveyors in the state, additional surface water storage in-county or out-of-county, watershed to watershed transfers and storage, additional groundwater storage out of county, and altering the land use plan to minimize water supply impacts or shortfalls.

- 62) All potential water sources should be discussed and evaluated for impacts in order to provide flexibility in the response to meet the increased demand. Each of the alternatives will have their own set of potential limitations and impacts. For instance, additional pumping in the Santa Clara Subbasin may result in overdraft or subsidence and Department of Health Service (DHS) regulations may limit the use of recycled water for groundwater recharge. Any mitigation measures which would create significant effects in addition to those impacts associated directly with the proposed CVSP project need to be analyzed and their mitigation measures should also be identified in the DEIR.

Section 4.11.1.2 - Existing Water Supply System

Board Policy E - 2.1 – “There is a reliable supply of healthy, clean drinking water.”

- 63) The description of San José Municipal Water should be corrected to include the fact that they received treated water from the District, in addition to Hetch-Hetchy water and groundwater wells.
- 64) The description of Great Oaks Water Company may need updating. It is our understanding that Great Oaks is currently pumping water from the Coyote Valley and distributing it in the Santa Clara Subbasin.
- 65) The description of the District should be expanded to state all areas of district responsibility related to the water supply system. The District manages Santa Clara County's water resources, coordinates flood protection for its 1.7 million residents, and serves as steward's of the county's more than 700 miles of streams and 10 reservoirs.

Section 4.11.1.3 – Storm Drainage System

Board Policy E - 3 – “There is an enhanced quality of life in Santa Clara County through the protection and enhancement of watersheds, streams, and the natural resources therein.”

- 66) The DEIR is not correct when it states that “[t]he Santa Clara Valley Water District (SCVWD) has jurisdiction over most of the creek channels that collect runoff from the storm drains serving urban areas.” As stated in Section 1.5.1 comment 2, the District's permitting jurisdiction is limited to District fee title and easement right of way. The District's property rights in the CVSP area are small and discontinuous, at best. Therefore, the City of San Jose and County of Santa Clara are responsible for regulating projects with respect to adherence to *Guidelines and Standards for Land Use near Streams*, a document developed by the Santa Clara Valley Water Resources Protection Collaborative, of which both

organizations are members. The document provides project level guidance regarding land use practices (including outfall and other in-stream construction and activities) adjacent to riparian corridors in Santa Clara County.

Section 4.11.2.2 - Impacts on the Sanitary Sewer/Wastewater Treatment Systems

Board Policy E - 2.1.7 – “Water recycling is expanded within Santa Clara County in partnership with the community, consistent with the District’s Integrated Water Resources Plan (IWRP), reflecting its comparative cost assessments and other Board policies.”

67) According to Section 4.16.2.3, a significant amount of brine will be generated as a by-product of advanced recycled water treatment. Disposal of this brine through the sewer is a likely option that should be evaluated in the DEIR. Please revise Table 4.11 - 1 to include brine disposal as a source of wastewater.

Section 4.11.2.3 - Identification of Water Supply Sources

Board Policy E - 2.1.2 – “The water supply is reliable to meet current demands.”

Board Policy E - 2.1.3 – “The water supply is reliable to meet future demands in Santa Clara County, consistent with the County’s and cities’ General Plans and other appropriate regional and statewide projections.”

Board Policy E - 2.1.4.1 – “The District’s variety of water supply sources is protected.”

Board Policy E - 2.1.7 – “Water recycling is expanded within Santa Clara County in partnership with the community, consistent with the District’s Integrated Water Resources Plan (IWRP), reflecting its comparative cost assessments and other Board policies.”

68) The DEIR and WSE identify recycled water from SCRWA as a source of up to 4,100 afy of the recycled water proposed for meeting increased water demands in Coyote Valley. Firstly, the DEIR needs to clarify that only recycled water in excess of South County recycled water demands would be considered. Secondly, the South County Recycled Water Master Plan, a joint effort by SCRWA and the District, does not include exporting water to the Coyote Subbasin. Therefore, the CVSP DEIR needs to evaluate the potential impacts of delivering and using recycled water from SCRWA in the Coyote Subbasin. At a minimum, the DEIR should evaluate impacts on groundwater supply and quality in the Llagas Groundwater Subbasin, impacts to the Bolsa Groundwater Subbasin, and impacts on recycled water quality associated with disposing of advanced treatment brine in the San Jose/Santa Clara sewer system. Mitigation measures for impacts associated with the use of recycled water from SCRWA should be described in the DEIR. Lastly, please correct the name of the South County agency referred to in the DEIR as the “South County Water Recycled Agency” to its proper name, the “South County Regional Wastewater Authority.”

69) As discussed in comment 61 for Section 4.11, the CVSP DEIR should recognize that development of other sources of water may also be necessary to meet the demands of the Project. The additional sources of supply may include additional imported surface water or

groundwater transfers from other agencies, jurisdictions, or parties located outside of Santa Clara County. In addition, it may be necessary to further increase the amount of local surface water storage in the county, transfer local water between watersheds for storage purposes, or to participate in the development of storage outside the county in order to meet the future demands and reliability requirements that are created by the development of Coyote Valley.

- 70) Impact UTIL-3: The District does not agree with the impact assessment of Less than Significant Impact. Significant mitigation measures are proposed as part of the project in order to meet the water supply demand, including the installation of recharge ponds, construction of an advanced treatment plant for recycled water, and additional pumping from the Santa Clara Subbasin. These factors support a conclusion that there will be a significant impact to water supply demand; however, that the significant impact can be mitigated for by implementing the above mitigation measures.

Section 4.11.3 – Mitigation and Avoidance Measures

Board Policy E - 2.1.8 – “Water conservation is implemented to the maximum extent that is practical.”

- 71) MM Util-3.1: Aggressive water conservation measures should be required, not encouraged. The District suggests that additional conservation measures be listed, including high-efficiency washing machines, individual unit meters or sub-meters in residential developments, weather-based irrigation controllers, water efficiency plant materials, and enforcement of the City’s Model Water Efficient Landscape Ordinance.

Section 4.11.4 – Conclusions Regarding Impacts to Utilities and Service Systems

Board Policy E - 2.1.7 – “Water recycling is expanded within Santa Clara County in partnership with the community, consistent with the District’s Integrated Water Resources Plan (IWRP), reflecting its comparative cost assessments and other Board policies.”

Board Policy E - 2.1.8 – “Water conservation is implemented to the maximum extent that is practical.”

- 72) Impact UTIL-3: See comment 70 for Section 4.11.2.3.; please revise.

Section 4.15 - Global Climate Change

Board Policy E - 2.1 – “There is a reliable supply of healthy, clean drinking water.”

- 73) Impacts of global warming on water demand or supply are not discussed. Although there is a great deal of uncertainty in the specific impacts and potential timing, there is sufficient information available to discuss and evaluate potential impacts.

Section 4.16 – Water Supply Impacts

Section 4.16.1 – Introduction

Board Policy E - 2.1.3 – “The water supply is reliable to meet future demands in Santa Clara County, consistent with the County’s and cities’ General Plans and other appropriate regional and statewide projections.”

Board Policy E - 2.1.8 – “Water conservation is implemented to the maximum extent that is practical.”

- 74) As stated in comments 61 for Section 4.11 and 69 for Section 4.11.2.3, the DEIR does not identify and evaluate all potential water sources for the project. Identifying and evaluating the full suite of water supply alternatives is necessary due to the long period of time over which this project will be implemented and the uncertainty in the feasibility of fully implementing the preferred water supply strategy. In other words, to provide for future water supply reliability, the DEIR should identify and evaluate additional water sources that may be used to meet demands if the preferred alternative cannot be implemented as proposed.
- 75) The District looks forward to working with the City to “identify and develop” aggressive water conservation measures and policies; however, existing specific water conservation measures should be identified in this DEIR and required by the City as part of development approvals.

Section 4.16.2 – Preferred Water Supply Sources

Board Policy E - 2.1.3 – ““The water supply is reliable to meet future demands in Santa Clara County, consistent with the County’s and cities’ General Plans and other appropriate regional and statewide projections.”

- 76) Although the DEIR should present the recommended water supply strategy based on the current conditions, the DEIR should also include an evaluation of all other water supply alternatives and their potential impacts. The DEIR should provide for flexibility in the water supply source options that may be used as development occurs over a long period of time. Water availability is very dynamic and changes that occur over this period may have an impact on available sources.

Section 4.16.2.1- Groundwater from Coyote Valley Subbasin

Board Policy E - 2.1.3 – ““The water supply is reliable to meet future demands in Santa Clara County, consistent with the County’s and cities’ General Plans and other appropriate regional and statewide projections.”

Board Policy E - 2.1.5 – “Groundwater resources are sustained and protected for water supply reliability and to minimize land subsidence.”

- 77) This section of the DEIR incorrectly states that groundwater extraction rates would not change with the proposed project. The report states that the current groundwater extraction is about 8,000 acre-feet per year (afy) and yet, according to Section 4.11.2.3, the proposed groundwater extraction rate is 13,000 afy. This is a significant increase in groundwater extraction that will have significant impacts if mitigation measures are not implemented. The impacts from the increased extraction need to be identified and evaluated, and appropriate mitigation measures need to be proposed.
- 78) The DEIR should not rely on changes to District reservoir operations in this analysis. The evaluation should include an analysis of the impacts with current reservoir operations. The impact analysis should be re-evaluated based on current operations.

Section 4.16.2.2 - Groundwater Recharge in Coyote Valley Subbasin

Board Policy E - 2.1.5 – “Groundwater resources are sustained and protected for water supply reliability and to minimize land subsidence.”

Board Policy E - 2.1.6 – “The groundwater basins are aggressively protected from contamination and the threat of contamination.”

- 79) The District's 2003 IWRP identified a need for additional recharge capacity to serve south Santa Clara County in the future, including the CVSP area. The land use alternatives for the project should include the investigation of setting aside land for future recharge facilities in appropriate locations, as identified collaboratively by the City and the District. These facilities can be compatible with other District and CVSP objectives, such as recreation. Potential water supply sources for the recharge facilities should be evaluated from the perspectives of water quality, water supply reliability, and cost both to the CVSP users and to the District's water supply customers as a whole.
- 80) The District's responsibility with respect to groundwater management entails sole or joint ownership and operation of the recharge ponds. As such, decisions regarding need, location, and construction timing of these basins will be made in collaboration with the City. Decisions regarding operations of the ponds, including source and volume of recharge water, will be made by the District based on countywide needs.
- 81) The basis for stating that the recharge basins should be at least ten feet deep to avoid water quality problems is unclear. This statement should be explained.
- 82) The report incorrectly states that the District is requiring that only advanced treated recycled water be used to supply the groundwater recharge basins. The recharge basins need to receive high quality water to avoid groundwater quality degradation. The District has not specified the source of that high quality water. If recycled water will be used as a source of supply for groundwater recharge, then advanced treatment will be required to comply with California Department of Health Services regulations and avoid groundwater quality degradation. It should be noted that regulatory requirements may limit the amount of recycled water that can be used for recharge. The shallow nature of groundwater in the subbasin, permeable soils, and the likely presence of nearby water supply wells in the

Greenbelt may prevent the travel time from being long enough to permit recharge with recycled water.

- 83) As stated in our response to the Notice of Preparation (NOP), a Phase I hazardous materials assessment should be performed on any land that may become a part of the proposed flood protection improvements or other District infrastructure should be completed. A mitigation measure of the project is the placement of recharge basins in the Greenbelt. As such, a Phase I hazardous materials assessment of the Greenbelt sites will need to be conducted. Site specific soil and groundwater testing will be required once specific locations have been selected.

Section 4.16.2.3 - Advanced Recycled Water Treatment Facility

Board Policy E - 2.1.6 – “The groundwater basins are aggressively protected from contamination and the threat of contamination.”

Board Policy E - 2.1.7 – “Water recycling is expanded within Santa Clara County in partnership with the community, consistent with the District’s Integrated Water Resources Plan (IWRP), reflecting its comparative cost assessments and other Board policies.”

- 84) This section should evaluate the impacts of the proposed water supply alternatives, which in this case is recycled water use. Recycled water use impacts may include, but are not limited to, construction of a treatment facility.
- 85) It is important to recognize that the brine disposal from the CVSP Advanced Recycled Water Treatment Facility (ARWTF) will have an impact on the overall quality of the recycled water system at the Santa Clara Water Pollution Control Plant (WPCP). Disposing of CVSP brine at the WPCP without additional treatment would degrade the quality of the recycled water supply for other users in South Bay Water Recycling service area. Although the District and San Jose Environmental Services Department (SJ-ESD) may be examining the feasibility of the waste disposal options as part of the initial design stages of the ARWTF at the WPCP, the impacts should be considered in the DEIR.
- 86) The location of the South County Regional Wastewater Authority treatment plant is south of Gilroy; the DEIR mistakenly indicates that it is north.
- 87) The first sentence on page 426 should be corrected so that it refers to discharge of the waste stream from the ARWTF rather than the WPCP.
- 88) In order to protect groundwater quality, underground chemical storage should be minimized. Above ground storage, which allows for early detection of leaks and spills, is preferred. Any necessary underground storage should include monitoring measures that provide for early detection of leaks and spills, especially within the 10-year time-of-travel zone of water supply wells.

Section 4.16.2.4 - Groundwater from Santa Clara Subbasin

Board Policy E - 2.1.5 – “Groundwater resources are sustained and protected for water supply reliability and to minimize land subsidence.”

- 89) The DEIR does not provide sufficient support for the following statement, “...historic groundwater withdrawal from the 350,000 acre-foot SCVSB is about 107,000 afy (1995 through 2005). Therefore, it is possible for 1,200 afy to be withdrawn and used in Coyote Valley. The extraction of this volume of water would not be a significant annual withdrawal from this large subbasin and land subsidence would not occur.” A more detailed evaluation of the impacts and mitigation measures to off-set the impacts to the Santa Clara Subbasin, including the Santa Teresa area immediately down-gradient of the CVSP, should be provided.

Section 4.16.3 - Alternative Water Supply Sources

Board Policy E – 2.1.3 – “The water supply is reliable to meet future demands in Santa Clara County, consistent with the County’s and cities’ General Plans and other appropriate regional and statewide projections.”

Board Policy E - 2.1.4 – “There are a variety of water supply sources.”

- 90) The discussion and evaluation of alternative water supply sources is incomplete. As stated in the previous comments, due to the long period of time over which this project will be implemented, it is important that the water supply alternatives remain flexible. The preferred alternative given the current conditions should be clearly stated, but all alternative water sources should be identified and evaluated in this EIR. Possible mitigation measures for the impacts to the water supply include:

- Aggressive water conservation,
- Recycled water,
- Additional groundwater recharge,
- Treated surface water deliveries,
- Export of water from the Santa Clara Subbasin,
- Additional water transfers from other water purveyors in the state,
- Additional surface water out-of-county storage,
- Watershed to watershed transfers and storage,
- Additional out of county groundwater storage, and
- Altering the land use plan to minimize water supply impacts or shortfalls

Only some of these alternatives have been considered in the DEIR.

- 91) This section only discusses one water supply strategy as discussed in the UWMP, a new surface water storage reservoir. The new reservoir is only one of several long-term water supply alternatives listed in the District’s 2005 Urban Water Management Plan as one of the ways to reduce water supply shortages that are projected to occur after 2020. Long-term

water supply investments will likely be a combination of additional storage (either surface or groundwater), water use efficiency, and water transfers.

Section 4.16.4 - Conclusion

Board Policy E - 2.1 – “There is a reliable supply of healthy, clean drinking water.”

- 92) The conclusion needs to be re-evaluated after the appropriate revisions regarding water supply, impacts, and mitigation measures are incorporated into this section and Sections 4.8 and 4.11. Groundwater withdrawal will not continue at the current rate with the CVSP project. The impacts of recycled water use are not evaluated and the impacts on Santa Clara Subbasin groundwater conditions need to be further evaluated. Also, the evaluation of alternative water supply sources is incomplete.

SECTION 6.0 – CUMULATIVE IMPACTS

Section 6.3 – Analysis of Cumulative Impacts

Section 6.3.6.2 - Cumulative Impacts to Sensitive Plant and Animal Species

Board Policy E – 3.0 – “There is an enhanced quality of life in Santa Clara County through the protection and enhancement of watersheds, streams, and the natural resources therein.”

- 1) This section should be revised to reflect applicable comments from Section 4.6.3.3 and 4.6.3.4.

Section 6.3.6.4 – Cumulative Impacts to Wetlands and Riparian Habitat

Board Policy E – 3.0 – “There is an enhanced quality of life in Santa Clara County through the protection and enhancement of watersheds, streams, and the natural resources therein.”

- 2) As suggested in comment number (6) of Section 3.1.3.18, the District does not agree that the City’s Riparian Corridor Policy is adequate to protect riparian habitat, much less mitigate significant cumulative impacts to the corridors to a less than significant level. The District suggests that an adequate setback distance should be scientifically determined by a biologist and fluvial geomorphologist.

Section 6.3.8.1 – Cumulative Hydrology and Water Quality Impacts

Board Policy E - 2.1.5 – “Groundwater resources are sustained and protected for water supply reliability and to minimize land subsidence.”

- 3) Please revise this section to include a discussion regarding the impacts to groundwater quality. As noted in comments 40, 41, and 42 for Section 4.8.3.6, impacts to groundwater quality are missing from the DEIR analysis.

Section 6.3.9.2 - Cumulative Hazardous Materials Impacts

Board Policy E – 2.1 – “There is a reliable supply of healthy, clean drinking water.”

- 4) In addition to the State Department of Toxic Substances and the California Occupational Safety and Health Administration, the Regional Water Quality Control Board and Santa Clara County Department of Environmental Health should be added to the list of agencies whose requirements will be incorporated into the measures.

Section 6.3.11.3 - Cumulative Impacts to Water Services

Board Policy E - 2.1.3.1 – “Baseline water supplies for Santa Clara County are safeguarded and maintained.”

- 5) The DEIR states, “The SCVWD is in the process of modeling their long-term ability to provide groundwater to the three retailers, but their preliminary analysis suggests that they have adequate capacity to address the cumulative demand of the projects under consideration here.” The District’s analysis is based on countywide supplies compared to countywide demands. On a countywide basis, the District’s analysis indicates that current resources have the ability to meet demands through 2020; however, scale matters and further analysis will need to be completed to ensure adequate capacity in the Coyote Subbasin. Adequate capacity in Coyote Valley will be achieved through project mitigation with additional water supplies.

SECTION 7.0 – GROWTH INDUCING IMPACTS

Board Policy E – 2.1 – “There is a reliable supply of healthy, clean drinking water.”

- 1) The DEIR states that “the project does not include expansion of infrastructure, including flood control and roadways, beyond that needed to serve the proposed development.” While this statement is true for the preferred water supply scenario, as mentioned in previous comments, alternative water supply scenarios need to be assessed in case the preferred scenario is not feasible due to unforeseen circumstances. Alternative scenarios, such as some of the options included in comment number (90) of Section 4.16.3, may induce growth outside the Coyote Valley Specific Plan area.

SECTION 8.0 – SIGNIFICANT UNAVOIDABLE IMPACTS

Board Policy E – 2.1 – “There is a reliable supply of healthy, clean drinking water.”

Board Policy E – 3.0 – “There is an enhanced quality of life in Santa Clara County through the protection and enhancement of watersheds, streams, and the natural resources therein.”

- 1) Please revise this section to reflect all pertinent comments above.

Mr. Darryl Boyd
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June 27, 2007

MISCELLANEOUS COMMENTS

Board Policy E – 2.1.6 – “The groundwater basins are aggressively protected from contamination or the threat of contamination.”

- 1) As noted in our response to the NOP, District Ordinance 90-1 governs the construction and destruction of groundwater wells. Building permits should require developers to identify and properly destroy all in-active, and abandoned wells on the property. Active wells should also be required to be destroyed once use has ended. If any groundwater wells will be altered, abandoned, or destroyed, a well permit from the District will be required. All well(s) should be properly registered with the District and either maintained or destroyed in accordance with established standards. For more information regarding well permits please contact the District's Well Services Unit at (408) 265-2600, extension 2660.
- 2) The Coyote and Santa Clara Groundwater Subbasins are incorrectly referred to as the Coyote Valley and Santa Clara Valley Subbasins in several places.

Thank you for the opportunity to review and comment on the Coyote Valley Specific Plan DEIR. When prepared, please transmit a minimum of four copies of the FEIR or revised EIR and Appendices when they are available for public review.

If you have questions regarding the District's comments, please contact Ms. Wendy Allison at (408) 265-2607, extension 3135.

Sincerely,



Marc Klemencic
Deputy Operating Officer
Coyote & Uvas/Llagas Watersheds



Melanie Richardson
Assistant Operating Officer
Water Supply Management Division

cc: S. Williams, D. Cauble, W. Wadlow, J. Fiedler, M. Klemencic, M. Richardson, S. Tippetts,
T. Hemmeter, V. Stephens, W. Allison